

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOANNA ZHAO, et al.,
Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION,
Defendant.

Case No. 24-cv-07551-NC

**ORDER TO SHOW CAUSE
REGARDING TIMELINESS OF
REMOVAL**

Re: Dkt. No. 1

On October 31, 2024, Defendant Costco Wholesale Corporation filed a notice of removal. ECF 1. The notice of removal states that “Defendant received notice of service of process on September 24, 2024.” ECF 1 ¶ 6.

A defendant must file a notice of removal of an action to federal court within 30 days of receiving service of the initial pleading or summons. 28 U.S.C. § 1446(b). Defendant filed their notice of removal over 30 days after receiving service of process. *See* ECF 1 ¶ 6, Ex. B. By way of explanation, Defendant appears to point to a 30-day extension that plaintiffs’ attorneys granted to file a responsive pleading. ECF 1 ¶ 6, Ex. B. But a notice of removal is not a pleading. *See* Fed. R. Civ. P. 7(a). And Defendant has not otherwise pointed to a later-served “Complaint or other paper from which it could first be ascertained that the case is one which is or has become removable.” ECF 1 ¶ 6; *see* 28 U.S.C. 1446(b)(3).

Defendant is therefore ordered to show cause in writing by November 21, 2024, as to how its notice of removal is timely and whether remand to state court is appropriate if removal was untimely. Plaintiffs may file a reply within 7 days after Defendant's response.

IT IS SO ORDERED.

Dated: November 7, 2024


NATHANAEL M. COUSINS
United States Magistrate Judge